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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,028	03/23/2004	Karl-Heinz Lemken	SWR-0135	5655

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EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,028	Applicant(s) LEMKEN ET AL.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on pre-amendment filed 3/23/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carrying racks, work pieces, hot & cold transports, separate loading systems for the transport chamber and device, loading table, etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper (see paragraphs [0002], [0004], [0016] & [0024], pages 1,5 & 6). Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The disclosure is objected to because of the following informalities:

On page 6,[0021] states "rolls" instead of "rollers" as described on page 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9,10,11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 9-11, these claims depend from a "device" but start with "system" or "facility" making it unclear what the claim is trying to claim. For sake of examination, it is assumed that a combination with the device is being claimed.

Claim 11 recites the limitation "both sides thereof" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. There are more than two sides to the structure and the two sides claimed have not been defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Helin (US 3,014,708).

Re claim 1, Helin teaches a device for transport of metallic work pieces 10, during a heat treatment process, comprising a heat-insulated and vacuum-tight transport chamber 3,4 for heat transports 10, a transport device (other of 3,4) for cold transports 10, and a common drive (not numbered) for the transport chamber and the transport device.

Re claim 2, Helin teaches mobile carriage 5.

Re claim 3, Helin teaches a carrying rack (not numbered, see figure) located relative to the carriage for the transport chamber 3,4 and the transport device 3,4.

Re claim 6, Helin teaches the transport chamber and the transport device 3,4 are each equipped with a separate loading system (column 3).

Re claim 7, Helin teaches the transport device 3,4 is equipped with a loading table (not numbered, see figure).

Re claim 8, Helin teaches the transport device 3,4 is a second transport chamber.

Re claim 9, Helin teaches a system for heat treatment especially of metallic work pieces 10, with a multitude of separate treatment chambers (1,2,3,4) comprising a transport device (3,4,5).

Re claim 10, Helin teaches the transport chamber 3,4, and the transport device 3,4 can be loaded and unloaded independently of one another.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helin (US 3,014,708) in view of Peyton (US 6,676,355).

Re claims 4,5, Helin is silent on the carriage 5 being two carriages coupled together. However, Peyton teaches two carriages (not numbered, but shown in figures as the carriages of 2.40 and 2.50) with each carrying a different load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Helin by the general teaching of Peyton to make the carriage 5 separable

and thus have a second mobile carriage wherein the first carriage supports the carrying rack for the transport chamber 3,4 and the second carriage supports the carrying rack for the transport device 3,4 in order to allow for the versatility of only having to replace one small carriage instead of the entire large carriage when there is damage done to the carriage.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helin (US 3,014,708) in view of Muller-Ziller (US 6,749,800).

Re claim 11, Helin is silent on whether the transport device 3,4 can be loaded and unloaded on both sides. Muller-Ziller teaches (figure 2) the ability to load from/to at least two different sides of a transport device 70 (10) in order to save time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Helin by the teaching of Muller-Ziller to have the ability (and structure) to load from/to at least two different sides of a transport device 3,4 in order to save time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hisada (US 5,624,255) teaches a similar system.

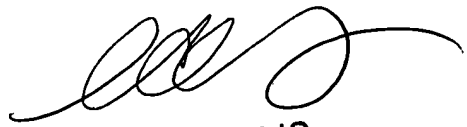
Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



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